

**PUBLIC HEARING NORTH SMITHFIELD TOWN COUNCIL**

**MARCH 5, 2007**

**KENDALL-DEAN SCHOOL AUDITORIUM**

**7:00 P.M.**

The meeting was called to order at 7:00 P.M. and began with the prayer and the pledge to the flag. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Town Solicitor Hadden were also in attendance.

This is a continuation of a public hearing to consider amendments to the North Smithfield zoning ordinance.

**Wetland and Water Body Setbacks**

Mr. Phillips has had discussions with the University of Rhode Island Co-operative Extension and they have suggested several amendments to the ordinance. Assistant Town Solicitor Robert Rossi feels the town should have scientific studies in place. Mr. Phillips asked that this hearing be continued to a later date.

**MOTION** by Mr. Zwolenski, seconded by Mr. Keeley, and voted unanimously on an aye vote to continue the matter to April 2, 2007 at 7:00 P.M. at Kendall-Dean School.

**Fencing**

Mr. Hadden is expecting additional information from the Planning

**Board and there is also an issue with signage, so he also would like to continue this matter to another date.**

**MOTION by Mr. Zwolenski, seconded by Mr. Lovett, and voted unanimously on an aye vote to continue this public hearing to April 2, 2007 at 7:00 P.M. at Kendall-Dean School.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**

**SPECIAL MEETING NORTH SMITHFIELD TOWN COUNCIL**

**MARCH 5, 2007**

**KENDALL-DEAN SCHOOL**

**IMMEDIATELY FOLLOWING**

**PUBLIC HEARING**

**The meeting began at 7:10 P.M. The prayer and the pledge to the flag were waived. Council members present were Mr. Keeley, Mr. Leclerc, Mr. Lovett, Mr. Zwolenski and Mrs. Thibault. Town Administrator Lowe and Town Solicitor Hadden were also present.**

**EXECUTIVE SESSION**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to enter into executive session at 7:10 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss the Northern RI Private Industry**

**Council vs. the Town of North Smithfield, the Police Department/Collective Bargaining, Narragansett Improvement vs. the Town of North Smithfield and the Town of North Smithfield vs. Perreault.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to come out of executive session at 8:15 P.M. and to seal the minutes.**

**March 5, 2007**

**MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to move the last two items listed under executive session to the end of the agenda.**

#### **POLICE DEPARTMENT COMMUNITY SURVEY**

**Chief Steven Reynolds noted that he had previously distributed to the Council members the results of this survey that was conducted by Salve Regina students as part of the CALEA requirements. It was started in September and took approximately three months to finish. Chief Reynolds stated that he was very pleased with the favorable rating.**

#### **FLOODING NEAR GARDNER PROPERTY**

**At a prior Council meeting Town Planner Michael Phillips had been directed to look at the flooding issue near this property. He found that, based upon Planning Board approval, the driveway of the new construction was supposed to be further south. Mr. Phillips sent a letter to the owners informing them of their non-compliance. Letters have been going back and forth between the parties.**

**Building Inspector Robert Benoit inspected the construction and found the house does have water carriers with downspouts that drain to the back of the yard. The driveway is gravel and does have quite a pitch. At the end of the driveway, near the road, is a depression where water gathers and flows over. The only way to take care of the situation is to put in a catch basin at that point or blend the driveway and the road so that it doesn't puddle there. Nothing can be done now until the weather breaks.**

**Mr. Zwolenski suggested that the driveway be crowned to allow water to run off onto the owner's property.**

**Mr. Leclerc noted that prior to this construction the Gardners were not having any problems with flooding. If the Planning Board stated the driveway should be at a different point, then that's where it should be.**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to move this to the April 16th meeting to**

**allow adequate time for the Assistant Town Solicitor to research the matter and provide an opinion for the Council.**

## **MORATORIUM ON OUTSIDE WOOD-BURNING FURNACES**

**Mr. Hadden will be meeting with Mr. Benoit and Chief Jillson on Thursday to further discuss the furnaces but, in the meantime, he does not recommend a moratorium be put in place. There does seem to be sufficient information in material he has received to draft an ordinance regarding certain aspects of the furnaces.**

**MOTION by Mr. Lovett, seconded by Mr. Keeley, and voted unanimously on an aye vote to move discussion of the moratorium on outside wood-burning furnaces to the April 2nd meeting.**

## **DEPARTMENT REPORTING**

**MOTION by Mr. Leclerc and seconded by Mr. Zwolenski for discussion to request weekly detailed reports from the building department to include the following: 1.) All applied for, pending and determined applicants for zoning compliance, which will be identified by plat, lot, street address, and owner of record and 2.) All pending and released building permits. This said weekly report will be e-mailed on Friday to all of the Town Council members until further notice.**

**Mr. Zwolenski requested that the planning department be included in providing a weekly report as far as where the town stands with**

**approved housing units.**

**Mr. Lovett thought that Mr. Phillips was talking with a consultant who would be disseminating that same information already.**

**Mr. Phillips responded that he has a consultant looking at a growth management plan, impact fees and a growth cap ordinance.**

**March 5, 2007**

**Mr. Hadden suggested that getting a report every other week on the issuance of zoning compliance certificates would fit in with the 20-day appeal process.**

**Mr. Lowe commented that this is the first he has heard about these reports being requested of his staff. He would have appreciated the courtesy of not being told at the last minute and would like the opportunity to speak to these staff members to find out what impact it will have on their time.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to rescind the motion.**

**MOTION by Mr. Leclerc, seconded by Mr. Zwolenski, and voted**

**unanimously on an aye vote to continue the reporting from the zoning and planning departments to March 19th.**

## **EXECUTIVE SESSION**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc and Mr. Keeley, and voted unanimously on an aye vote to enter into executive session at 8:58 P.M. pursuant to RIGL 42-46-5(A)(2) Sessions pertaining to collective bargaining or litigation to discuss Narragansett Improvement vs. the Town of North Smithfield and the Town of North Smithfield vs. Perreault.**

**MOTION by Mr. Lovett, seconded by Mr. Zwolenski, and voted unanimously on an aye vote to come out of executive session at 9:20 P.M. and to seal the minutes. No motions were made and no votes were taken.**

## **Town of North Smithfield vs. Perreault**

**MOTION by Mr. Lovett, seconded by Mr. Leclerc, and voted unanimously on an aye vote to authorize the Town Solicitor to receive special litigation fees and expenses to enforce the zoning ordinance by filing suit for the Town of North Smithfield vs. Perreault.**

**MOTION by Mr. Zwolenski, seconded by Mr. Leclerc, and voted unanimously on an aye vote to adjourn at 9:20 P.M.**

**Respectfully submitted,**

**Debra A. Todd, Town Clerk**